

REMARKS

This action is a response to a Final Office Action wherein the Examiner maintains the previous rejections in the Non-Final Office Action, in view of arguments put forth by the Applicants.

In the Final Office Action dated June 15, 2009, the Examiner rejects claims 1 through 7 and 9 through 14 under 35 U.S.C § 103(a) as being unpatentable over US Patent Publication No. 2003/0105677 [hereinafter *Skinner*] in view of US Patent Publication No. 2001/0051911 [hereinafter *Marks*] and further in view of the publication entitled “Ideas Futures: Encouraging and Honest Consensus” by Hanson [hereinafter *Hanson*].

In view of the rejections maintained by the Examiner, the Applicants hereby amend the presently pending claims to more clearly describe the scope of the claimed invention. In particular, the Applicants hereby amend claims 1 and 13 to more clearly articulate the aspects of intentional manipulation detection.

With respect to the rejection of claims 1 through 7 and 9 through 14 under 35 U.S.C. § 103(a), the Applicants assert that *Skinner* fails to teach or suggest the presently pending claim element of monitoring for intentional manipulation and taking measures in response to the detection of intentional manipulation.


First, *Skinner* fails to teach or suggest monitoring of intentional manipulation. The portions of *Skinner* that come closest to discussing such activity are paragraphs 37 and 43-44, as cited by the Examiner. In these portions, *Skinner* discusses the removal of duplicate recorded actions.

The Examiner contends the above sections of *Skinner* may be construed to perform monitoring. However, the presently pending claims qualify the verb “monitoring” with the term “intentional manipulation.” Such a construction necessarily implies the monitoring, active or passive, of data, not simply parsing a compiled set of data and removing duplicates. *Skinner* reinforces this concept in paragraph 44, wherein *Skinner* refers to the operation of removing duplicates as “an analysis to identify well defined datasets 60 per keycode.” Thus, the “analysis” or *Skinner* cannot properly be read onto the “monitoring” step, as presently claimed.

Furthermore, the system of *Skinner* does not discuss intentional manipulation. The data analyzed by *Skinner* merely consists of duplicate information. *Id* at ¶0043. Such a system removes redundant data, *e.g.* a user selecting a given link twice within a specified time period. This operation may be relevant for optimizing a dataset, but cannot be construed as preventing intentional manipulation or fraud. As an example, *Skinner* is unable to detect even the most basic of malicious attacks on data such as spamming from multiple, spoofed IP addresses. In *Skinner*, these attacks would not necessarily be viewed as duplicate entries, but simply unique entries from seemingly unique users. The discussion in paragraph 44 further emphasizes this aspect. Continuing the above example, since *Skinner* does not detect the attack, the number of user actions in *Skinner* would be increased above the minimum threshold value, thus a new bid would be calculated. Such an example clearly illustrates the inability of *Skinner* to monitor, detect and remedy fraud or intentional manipulation, as is presently claimed.

The remaining claims further distinguish the presently claimed invention over the prior art of record. For the above reasons, the Applicants submit that the present invention, as claimed, is patentable over the prior art. Accordingly, reconsideration and allowance of all

pending claims is respectfully solicited. To expedite prosecution the Examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

<p>Dated: <u>September 16, 2009</u></p> <p>THIS CORRESPONDENCE IS BEING SUBMITTED ELECTRONICALLY THROUGH THE PATENT AND TRADEMARK OFFICE EFS FILING SYSTEM ON September 16, 2009</p>	<p>Respectfully Submitted,</p>  <hr/> <p>Timothy J. Bechen Reg. No. 48,126 Ostrow Kaufman & Frankl LLP <i>Customer No. 61834</i></p>
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